

Partnership Agreement

Associated Builders and Contractors, Inc. –
Indiana Chapter
and the
Indiana Department of Labor

August 27, 2014



- Increase the number of ABC members who implement effective safety and health programs such as the STEP Diamond and Platinum and provide effective safety and health training for management, supervisors and employees. Demonstration of an effective safety program will be determined by their involvement in any one or combination of safety awards program of ABC, and ABC's related regional and national association.
- Conduct a semi-annual meeting with the participants to discuss and determine best practices based on participant experiences. The best practices will be shared by ABC with its members.
- Annually increase the number of participants in the partnership.
- Recognize the achievements of those contractors with exemplary safety and health programs and effective site-specific safety and health plans by acknowledging them as an IDOL/ABC partner, which includes, but is not limited to, recognition at the ABC annual membership meeting and a signed certificate.
- IDOL staff and ABC staff members have provided input in the partnership agreement and will be consulted regularly for feedback to improve the partnership and its goals.
- Allow IDOL to focus resources on companies that have not demonstrated implementation of effective safety programs

III. Associated Builders and Contractor's Commitment/Role

The ABC will administer this partnership program as outlined herein, and will serve as the principle safety resource in support of ABC members. To fulfill the partnership, the ABC also will:

- A. Act as a liaison for ABC members with the IDOL as appropriate. Members will be able to call ABC with questions and ABC will contact IDOL for responses.
- B. Offer ongoing, quality training on topics of importance for members, specifically the focused areas of falls, struck-by, caught in/between and electrocutions.
- C. Provide up-to-date informational materials and brochures to ABC members.
- D. Organize and provide the IDOL's interpretations of major standards, as well as statewide inspection issues including the most frequently cited IOSHA standards.
- E. Ensure that written safety and health policies and programs for "STEP Diamond and Platinum" members include an emphasis on employer/employee responsibilities. This may include, but is not limited to, specific safety talks. An ABC Safety Training Evaluation Process (STEP) Diamond or Platinum Member within this program is defined as an ABC member that meets and satisfies all terms and obligations of the Participating Member Firm's Commitment as set forth by Section V hereof.
- F. Promote construction safety excellence through the annual ABC Safety Recognition Program.
- G. Administer the overall partnership program, including, but not limited to, the initial evaluation of the partnership applications to determine whether the contractor meets the criteria specified within the partnership initiative. Information to be considered by ABC will include pertinent company information as referenced in Section V (demonstrated safety and health program, training commitments, OSHA citations history, fatalities, injury/illness experience and similar factors).

- F. During inspections, if potential violations are found (i.e. where employees are not exposed to the hazard) IDOL may review the employer's records and provide limited on-site training as needed, so long as noted or observed hazards are abated immediately or prior to exposure by any employee.
- G. Planned Programmed Inspections (Emphasis Inspections)
- "STEP Diamond and Platinum" members will not be subjected to programmed inspections where verification has been conducted and completed in the past 12 months.
 - *Observed Violations*—Any violations observed by IDOL personnel while in the area of the project will be brought to the attention of the Safety Director/Coordinator of the respective "STEP Diamond or Platinum" members and may not necessarily be cited if the violation is corrected in an immediate manner. IDOL shall contact the Safety Director/Coordinator of the respective "STEP Diamond or Platinum" member who will initiate next working day. Any recognized violation that is not corrected will be cited per normal IDOL citation policies.
 - *Follow-up Inspections*—If citations are issued by IDOL on any inspection conducted, IDOL may conduct a follow-up inspection to verify abatement.
 - *Non-ABC STEP Diamond and Platinum Contractors*—Employers who elect not to participate or who are determined by INSafe to be outside the aforementioned criteria for inclusion under this partnership agreement, will be subject to traditional IDOL inspections and enforcement actions. ABC members shall provide to the IDOL a list of any and all non-participating members, with information regarding address, principal contact, etc. IDOL shall provide to ABC a list of any contractors deemed not eligible for participation.

The IDOL and ABC may jointly or independently have the discretion to veto companies from participating in this program. Examples of issues that could disqualify a company from participating include unpaid fines or penalties to the IDOL or unsatisfactory regulatory history with any other State agency or department.

V. Participating Members Firm's Commitment/Role

To take advantage of partnership status, the applicant must be a member of ABC and must be accepted into the ABC's "STEP Diamond or Platinum" and:

- A. Certify company-wide that no fatalities or catastrophes occurred within the last three years that resulted in serious, and/or knowing citations, related to the incident.
- B. Verify that a comprehensive written safety and health program is in place which is at least equivalent to OSHA's "Safety and Health Program Management Guidelines" of January 26, 1989 in FRN 54:3904-3916, or the American National Standards Institute (ANSI) A-10.38, "Basic Elements of an Employer Program to Provide a Safe and Healthful Work Environment," or the ABC Safety program
- C. Implement a fall protection program where participants require and enforce the use of conventional fall protection (i.e. personal fall arrest systems, safety net systems,

- K. Provide safety-related data or statistics required by ABC including aggregate current OSHA 300 Log and TCIR report for all participating members' Indiana operations. ABC will provide the IDOL a quarterly summary that analyzes all pertinent safety related information. The quarterly summary analysis will be due by the 15th of the month that follows the end of each quarter.
- L. The purpose of such summary information is to assist in preparing an annual report necessary for evaluating the merits of the program and making recommendations for continuous improvement.
- M. Develop and maintain a substance abuse program within thirty days of entering the partnership or provide verification of an existing substance abuse program.

VI. Program Confidentiality

Associated Builders and Contractors, Inc. will maintain the confidentiality of information and data submitted by contractors to ABC related to application for consideration and participation in the partnership program.

Aggregate information delivered to the Indiana Department of Labor becomes a Public Record in accordance with the Indiana Access to Public Records Act and should therefore not include Trade Secrets or confidential information.

VII. Employer/Employee Rights

As an integral part of an effective safety and health program, the availability of employees to exercise their rights which are guaranteed under the Occupational Safety and Health Act of 1970 (OSH Act of 1970) and laws of the state of Indiana and regulations such as, but not limited to, the right to file a safety and health complaint, and the right to obtain information pursuant to IDOL requirements, will not be infringed (i.e. access to injury and illness records or medical exposure records).

It is anticipated that routine employee involvement in the day-to-day implementation of worksite safety and health programs will be assured, including employee participation in employer self-audits, site inspections, job hazard analyses, safety and health program reviews, and near-miss investigations.

Employers retain all rights guaranteed under the OSH Act of 1970 and the laws of the State of Indiana.

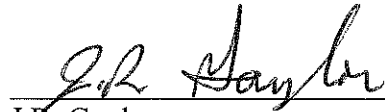
VIII. Partnership Evaluation

The partnership will be evaluated annually by IDOL and ABC. Such evaluation will include a comparison of the Participants' TCIR, DART rate and the number of days associated with each element of the DART rate with the latest available construction data, for their respective industry (NAICS specific classifications) for Indiana from the Bureau of Labor Statistics (BLS).

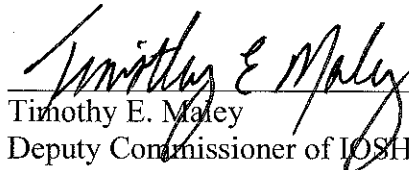
This Partnership was originally agreed to on the 1st day of June, 2011, amended as of August 2nd 2012, and is now hereby amended as of the 27th day of August 2014.



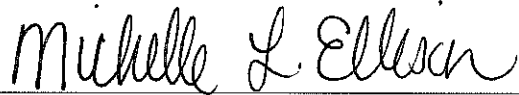
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